

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

June 14, 2004
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Deputy Mayor Noble and Councilmembers Balducci, Chelminiak¹, Davidson, Degginger², and Lee³

ABSENT: Mayor Marshall

1. Executive Session

Deputy Mayor Noble opened the meeting at 6:02 p.m. and announced recess to Executive Session for approximately 45 minutes to discuss two items of potential litigation and one item of property acquisition.

The meeting resumed at 6:47 p.m. with Deputy Mayor Noble presiding. He announced that Mayor Marshall is attending her son's high school graduation. Deputy Mayor Noble congratulated all graduating seniors.

2. Oral Communications

- (a) Arlene Darby expressed concern that the NE 10th Street extension project will result in the demolition of the Ramada Hotel at 112th Avenue and NE 8th Street.
- (b) Tim Attebery, Master Builders Association of King and Snohomish Counties, spoke against a proposal to change the 10,000-square-foot sprinkler mandate to a 5,000-square-foot requirement. He thanked Bellevue Chamber of Commerce and the realtors association for supporting this position as well. He questioned the reason for the proposed change. Mr. Attebery noted that smoke detectors are more critical in fire prevention efforts than sprinklers, which are expensive. He said only two percent of the Fire Department's calls are related to residential fires. Mr. Attebery said most cities are not adopting a 5,000-square-foot sprinkler requirement.

¹ Mr. Chelminiak arrived at 7:13 p.m. at the beginning of Agenda Item 3(b).

² Mr. Degginger left the meeting at 10:05 p.m. at the conclusion of Agenda Item 3(g).

³ Mr. Lee arrived at 6:31 p.m.

- (c) Roger Anderson encouraged Council to direct staff to pursue a sign code amendment that will allow signs on the tops of high-rise buildings. He asked Council to consider allowing internal illumination for signs, which in some cases can be more compatible with the architecture than a non-illuminated sign.
- (d) Betty Nokes, Bellevue Chamber of Commerce, spoke in favor of allowing signage on high-rise buildings.
- (e) Leslie Lloyd, President of Bellevue Downtown Association, spoke in favor of allowing signage on high-rise buildings. She asked Council to not reduce existing signage rights to accommodate signs on the tops of buildings.
- (f) Randy Banneker, Seattle-King County Association of Realtors, spoke against the proposed amendment to require sprinklers in occupancies of 5,000 square feet or larger. He noted that sprinklers can add \$10,000-15,000 to the price of a home.
- (g) Kathy Putt, Comcast, noted her letter in Council's desk packet regarding unresolved issues related to Comcast's franchise renewal. She explained that Comcast does not provide automatic credits for service outages for any of its customers. However, credits are given when a customer calls to report an outage. She noted Comcast is often unaware of an outage until a customer calls them.
- (h) Mike O'Herron, speaking on behalf of Millennium Digital Media, spoke against the proposed requirement for cable TV companies to provide automatic credits for service outages. He explained the company is often unaware of outages and questioned whether the problem is extensive enough to require a solution.
- (i) Kevin Austin expressed concern that the potential future implementation of international fire codes would prohibit the use of standard propane barbeque grills in condos and apartments. He noted the state legislature adopted the international fire codes by reference without a public comment process and without legislators having a thorough understanding of the code. Mr. Austin asked Council to suspend adoption of this particular code provision. Although fire marshals have indicated they will not issue citations for violations, insurance companies will not honor claims made if they are in violation of the local building code.

3. Study Session

- (a) Council New Initiatives

No new initiatives were introduced.

- (b) High-Capacity Transit (HCT) Presentation by Puget Sound Regional Council

Transportation Director Goran Sparrman introduced Eli Cooper, Puget Sound Regional Council, and Paul Matsuoka, Sound Transit, to provide an overview regarding a high-capacity transit corridor assessment.

Mr. Cooper explained for the public that the Puget Sound Regional Council is a four-county association of government responsible for maintaining the region's long-range vision and transportation plan. The high-capacity transit assessment was prepared to: 1) evaluate corridors identified in the 1996 Sound Transit Vision and PSRC's Destination 2030 Plan, 2) affirm that the corridor extensions are capable of supporting HCT within the planning horizon, and 3) evaluate the ability of a range of technologies to serve corridor and system needs.

Regional corridors under consideration for HCT are a cross-lake route (Seattle to Bellevue with spurs to Issaquah and Redmond), north corridor (Northgate to Everett), south corridor (SeaTac to Tacoma and Dupont), and Eastside corridor (Lynnwood to SeaTac, roughly parallel to I-405). The assessment reviewed land use and demographic characteristics of each corridor, analyzed travel patterns, and assessed a range of HCT technologies for potential application in each corridor. Mr. Cooper explained the identification of activity centers to potentially be served by high-capacity transit. Statistical information indicates that the cross-lake corridor is ready for consideration and investment in HCT now.

Mr. Cooper said the following HCT technologies were evaluated for each corridor:

- Enhanced bus,
- Bus Rapid Transit,
- Light rail,
- Monorail, and
- Sky Train.

Diesel multiple unit and commuter rail technologies were evaluated for selected corridors. The following technologies were reviewed but not fully evaluated for any corridor due to the operational characteristics of the systems and travel demands within this region: heavy rail, magnetic-levitation, people movers, and personal rapid transit. The HCT technologies were evaluated based on the following characteristics:

- Vehicle/line capacity,
- Operating speeds,
- Station spacing,
- Headways,
- System Integration,
- Land use impacts,
- Implementation risk,
- Reliability,
- Right-of-way needs, and
- Profile flexibility.

Mr. Cooper said the study found that the north and cross-lake corridors appear to have the highest potential for near-term development. Given the projected levels of growth for Bellevue and Seattle, it is important to look beyond the capacities of bus rapid transit for the cross-lake corridor. Next steps for PSRC are to finalize the HCT Workbook and, with Sound Transit, study the economic and community influences of high-capacity transit.

Mr. Matsuoka explained that Sound Transit is currently updating its long-range plan and will then select projects for Phase II to be presented for voter approval. He noted an additional document distributed to Council, *Technical Report on Future High-Capacity Transit Development along the Seattle CBD to East King via I-90/Bellevue Corridor*, which summarizes approximately a dozen cross-lake HCT studies conducted since 1976.

Responding to Dr. Davidson, Mr. Cooper said bus rapid transit is defined by seven parameters and can operate within HOV lanes or a dedicated right-of-way.

Councilmember Lee is uncomfortable that some of the newer technologies are not under consideration for this region's HCT.

Mr. Cooper explained that the study focused on HCT systems in revenue service today or those anticipated to be available for revenue service in the future. Because this is a public system, the intent is to minimize the potential risks associated with newer technologies. Mr. Cooper noted that different HCT technologies could be chosen for the different corridors over time.

Councilmember Balducci expressed strong support for HCT.

Responding to Mr. Chelminiak, Mr. Matsuoka said the first HCT implementation could be constructed in eight to 10 years.

Mr. Sparrman noted that HCT implementation could be quicker on the I-90 corridor because the center lanes are already available for transit use.

Deputy Mayor Noble thanked staff for the presentation.

(c) Cable TV and Franchise Code Changes

Mr. Noble recalled previous discussion during the June 1 Special Meeting regarding cable television and franchise code changes, at which time Council directed staff to revise the proposed codes.

David Kerr, Franchise Manager, noted Council's interest that the proposed code changes should not increase cable TV customer rates. Staff has worked with Comcast and Millennium Digital Media to modify their reporting requirements and to refine additional sections of the code. Both Comcast and Millennium are opposed to automatic credits for service outages, as heard during Oral Communications this evening.

Regarding automatic credits for service outages, Councilmember Balducci said she is not typically in favor of regulations that cannot be enforced. Mr. Kerr feels the provision will become easier to enforce as business practices change and technology advances.

Deputy Mayor Noble is concerned about the proposed regulation and wondered whether it would be cost effective to implement.

Dr. Davidson said he generally does not like to tell businesses how to interact with their customers. However, perhaps the automatic credits would provide a good incentive for minimizing and resolving service outages.

Ms. Balducci noted that several new customer service standards are proposed and suggested deferring adoption of the requirement for automatic credits to a future franchise renewal. Mr. Noble concurred.

Mr. Chelminiak understands that cable companies are not always aware of a service outage. However, he feels automatic credits should be issued in the event of an areawide outage.

Mr. Kerr said he will modify the language on the automatic credits issue and bring it back for further Council consideration.

Moving to the application fee issue, Mr. Kerr noted the proposal in Council's packet for a minimum application fee of \$5,000 plus actual additional costs over that amount for franchise applications. He feels this is consistent with the suggestion offered by Millennium Digital Media to assess application fees based on the size of a company's customer base. Comcast continues to assert that these fees are subject to the five percent cap on franchise fees. The City Attorney's Office has prepared a legal opinion on the issue for Council consideration. Mr. Kerr said it is common for application fees to be set to recover a jurisdiction's costs.

Following brief comments by Councilmembers, Deputy Mayor Noble noted support for staff's proposed approach.

Mr. Kerr noted the proposal to set franchise performance bond costs according to the number of households/customers served. Mr. Noble indicated Council support for this provision.

Mr. Kerr recalled previous Council direction to revise and clarify franchise revocation and termination criteria and procedures. Comcast is concerned that subsection 7 of Bellevue City Code section 5.30.340 is too broad in terms of criteria that could justify franchise termination. Mr. Kerr explained that non-cable services, such as modems and voice-over IP services, are not addressed in the franchise agreement. However, if a franchisee failed to comply with laws or regulations for these services, the City might want to consider such violations in reviewing potential revocation of the cable TV franchise.

Mr. Degginger made suggestions regarding some of the proposed contract language, including the use of the phrases "grossly inadequate" service and "gross negligence." There was consensus to delete the words "grossly" and "gross" due to the difficulty in defining the terms.

Mr. Kerr noted the references in sections 5.30 and 14.20 to safety as a criteria in considering both revocation and franchise renewal. Council agreed with the proposed language. Mr. Kerr highlighted additional proposed code changes, which are outlined on page 3-8 of the Council packet.

Deputy Mayor Noble thanked staff for their work and cable providers for participating in the code revision process with City staff. Council action on the code amendments is scheduled for June 21.

(d) Rotary-Funded Play Area – Crossroads Community Park

Mr. Noble opened discussion of a proposed partnership with Bellevue Breakfast Rotary Club (BBRC) to build a water play area at Crossroads Community Park. Parks and Community Services Director Patrick Foran introduced Norm Johnson, BBRC project manager for the proposed partnership.

Pam Fehrman, Project Manager, explained that the Crossroads Community Park master plan includes an accessible water play area. Mr. Johnson said Rotary International will celebrate its 100th anniversary in February 2005, and member clubs have been challenged to undertake a centennial project in their hometowns. BBRC was attracted to the international theme of Crossroads Park and felt this would be a good project fit. The water play area is designed to be accessible to developmentally disabled and elderly citizens.

Mr. Johnson reviewed the responsibilities under the proposed partnership. BBRC will initiate a capital campaign to raise \$1 million for construction of the water play area. The Rotary club has already designated \$50,000 to kick off the project. The City is providing the site; soft costs for design, permitting, construction, and project management; and ongoing operations and maintenance costs.

Ms. Fehrman said the project will cover approximately 5,500 square feet and contain zero-depth water play areas including an acoustical garden, water columns, and features such as water drums and water play pipes. The Parks and Community Services Board enthusiastically supports the project.

Mr. Foran said the current Capital Investment Program (CIP) Plan includes funds for soft costs as well as ongoing operations and maintenance costs. The project will be constructed in phases as funding permits.

Dr. Davidson expressed support and appreciation for this partnership proposal.

Mr. Lee requested additional information on the Crossroads Park master plan and the compatibility of this project.

Deputy Mayor Noble said the City looks forward to working with Rotary members.

(e) Pacific Science Center/Mercer Slough Environmental Education Center

Mr. Foran described a proposed partnership with Pacific Science Center to develop the Mercer Slough Environmental Education Center. Council will be asked to take action on the proposed Memorandum of Understanding between the City and Pacific Science Center on June 21. The project is a village of educational and interpretive facilities, some to be operated by the City and some to be operated by Pacific Science Center. Plans for permanent exhibits at the site have been eliminated from the project scope, and the MOU has been revised accordingly. The City will function as project manager for construction of the facilities and will continue to own the site and all facilities. Upon approval of the MOU, a joint use agreement (JUA) will be prepared to outline each agency's responsibilities. Initial Community Development Block Grant/HUD funding of \$2 million must be used by July 2007 and remaining grant funds of \$1 million must be expended by September 2007.

Deputy Mayor Noble thanked staff for the presentation.

At 9:15 p.m., Mr. Noble declared a break. The meeting resumed at 9:25 p.m.

(f) Model Building, Fire, and Electrical Codes and Proposed Local Amendments

Mike Brennan, Deputy Director of Development Services, reported that the state legislature recently revised the State Building Code Act (RCW 19.27) and requires local jurisdictions to begin administering the new codes on July 1, 2004. Three model building code organizations in the United States have been working together to merge their codes and establish the International Code Council. In the process of merging the codes, the less restrictive provisions prevailed unless there was a compelling argument that a more restrictive standard was appropriate nationwide.

The international code focuses on performance and desired outcomes, which provides some flexibility in design, and reflects a heavy reliance on sprinkler systems. New Washington laws adopted in 2003 direct the State Building Code Council to implement the international building codes. Local jurisdictions cannot adopt less restrictive codes than those prescribed by the State Building Code Council.

Mr. Brennan said City staff have been preparing for the transition to the international codes for approximately one year. Training has been provided to the development community through partnerships with design and building professionals and organizations. Developers are in favor of greater consistency between local jurisdictions.

Steve Nuttall, Fire Marshall, is a member of the State Building Code Council. Requirements regarding barbecues and natural-cut Christmas trees have been deleted from the state code pending a more formal public hearing and review process this fall. Mr. Brennan explained that a construction administrative code was developed to govern the administration of all construction codes in a single document. Technical amendments are primarily related to fire protection in large buildings or provide additional building design alternatives.

Mr. Nuttall described statewide discussions about where to set the sprinkler threshold for buildings. Bellevue's current threshold for requiring sprinklers is 10,000 square feet for commercial and multifamily occupancies. Possible alternatives for consideration include: 1) reduce the threshold to 5,000 square feet for all buildings, 2) introduce public education about sprinklers for homeowners, and 3) maintain existing 10,000 square foot threshold. Policy questions to consider include: What is the current level of fire protection within the community? What are the costs of additional built-in protection for consumers and what are the anticipated effects? Over the past three years in Bellevue, 78 homes greater than 5,000 square feet were constructed and 63 percent of these were sprinklered. During the same period, 14 commercial buildings between 5,000 and 10,000 square feet were constructed and 72 percent were sprinklered. Mr. Nuttall said Issaquah, Mercer Island, Shoreline, and Woodinville have passed a 5,000-square-foot ordinance. Bothell, Kirkland, and Redmond continue to study the issue.

Staff responded to questions of clarification from Councilmembers Davidson and Degginger. Mr. Lee is in favor of promoting public education regarding sprinklers rather than changing the current threshold.

Mr. Chelminiak requested a clarification from the City Attorney's Office regarding right of entry for firefighters. Mr. Nuttall said Bellevue Fire Department personnel do not enter homes without permission of homeowners.

Responding to Mr. Chelminiak, Mr. Nuttall described the national debate regarding smoke control systems in high-rise buildings with one side in favor of evacuation and the other in favor of a "defend in place" approach. Most high-rise buildings in Bellevue have smoke control systems.

Deputy Mayor Noble opined that the 10,000-square-foot sprinkler threshold has served the community well. He sees no compelling reason to change to a 5,000-square-foot threshold and expressed concern about the cost for consumers associated with requiring sprinklers in residences.

Dr. Davidson feels a 5,000-square-foot sprinkler threshold is inconsistent with encouraging affordable housing. He is in favor of a public education approach.

Ms. Balducci would like staff to prepare responses to issues raised during Oral Communications before making a decision. She requested the specific rationale for the proposed 5,000-square-foot threshold.

Mr. Brennan reiterated that the new state codes go into effect on July 1. He suggested Council could adopt the proposed package and retain the current sprinkler threshold, and then later revisit the 5,000-square-foot threshold alternative.

➡ At 9:59 p.m., Mr. Degginger moved to extend the meeting to 11:00 p.m., and Mr. Noble seconded the motion.

➡ The motion to extend the meeting carried by a vote of 6-0.

(g) Signage – Downtown High-Rise Buildings

Planning and Community Development Director Matt Terry explained that Puget Sound Energy and a new division of Safeco would like to display their corporate names at the top of their high-rise buildings. The current policy discourages such signage.

Kate Berens, Legal Planner, displayed photos of the downtown skyline and enhanced images showing how high-rise signage might look. A related issue is whether to allow illuminated signs. Signs are currently allowed on the tops of hotels. If Council wants staff to pursue amendment of the sign code, next steps would be for staff to prepare a draft ordinance, a SEPA (State Environmental Policy Act) review, and Council action.

Dr. Davidson is interested in studying the proposal. However, he suggested that high-rise signage be limited to just one company name and perhaps just to buildings facing east toward I-405. Mr. Degginger concurred.

Deputy Mayor Noble noted Council consensus to further explore sign code amendments with staff.

(h) 2005-2006 Operating Budget and 2005-2011 Capital Investment Program (CIP) Plan – Department Presentations

(1) Parks and Community Services

Mr. Foran provided the budget presentation for the Parks and Community Services Department. The department's primary functional areas are resource management, recreation, human services, enterprise, CIP planning, and probation. Major budget and policy issues are:

1. Maintenance and operation of new park additions (South Bellevue Community Center and Lewis Creek Park).
2. Continued acquisition of critical parks and open spaces by leveraging City funds.
3. Investment in master plans for Boeing/Lakewood property site and Meydenbauer Bay waterfront park.
4. Creative partnerships (e.g., water play area at Crossroads Park).
5. Evolving regional issues and trends.
6. Future voter initiative.
7. Council memory bank items.

South Bellevue Community Center will be completed within the next two years and four full-time equivalent (FTE) positions are needed to operate the center in conjunction with Bellevue Boys and Girls Club. Property acquisition funds in the CIP Plan are fully committed through 2009 with an emphasis on waterfront property, Richards Valley, and neighborhood character projects. Mr. Foran described a proposal for a City-private partnership to resurface the Robinswood Park lighted soccer fields with a synthetic surface, which would greatly expand the opportunity for year-round use.

Mr. Foran said evolving regional issues and trends include: 1) fiscal challenges for regional Eastside parks (e.g., Marymoor Park, Bridle Trails State Park) managed by other agencies/jurisdictions, 2) a changing consumer market for park services and coordination in planning between neighboring jurisdictions, and 3) maximizing investment in “wraparound” services (e.g., health, human services, and recreation programs with schools, nonprofit organizations, and others).

Mr. Foran noted the potential for a future voter initiative during the upcoming biennium budget. Three Council memory bank items are the King County Human Services Task Force; investment in neighborhood functions, community events, and cultural festivals; and the completion of Downtown Park.

Mr. Lee would like more discussion regarding wraparound services and identifying reliable funding sources.

Responding to Ms. Balducci, Mr. Foran described staff’s interest in a pilot project to initiate partnerships for wraparound services. He commented on the importance of partnering with school recreation facilities, for example, as an overall quality of life and economic development objective.

Responding to Mr. Noble, Mr. Foran said a current position vacancy could be reassigned to coordinate partnerships. Mr. Noble indicated Council will discuss this issue further at its upcoming retreat.

(2) Enterprise Technology [Postponed]

At 10:36 p.m., Deputy Mayor Noble declared the meeting adjourned.

Myrna L. Basich
City Clerk

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